

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CHARLES RASO, TRUSTEE  
of the MASSACHUSETTS BRICKLAYERS  
AND MASONS HEALTH AND WELFARE,  
PENSION AND ANNUITY FUNDS,

Plaintiff,

v.

STONEWORKS BY RAND,  
RAND STONEWORKS,

Defendants.

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C. A. No. 03cv12535 RCL

**MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT**

Now comes the Plaintiff, Charles Raso, Trustee of the Bricklayers and Masons Trust Funds (hereinafter "the Funds"), who moves to amend his complaint for the second time to add a defendant pursuant to F.R.C.P. 15 and submits the attached Amended Complaint for filing. This is an action for the collection of delinquent employee benefit contributions pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §1001, *et seq.* In support of this motion, Plaintiff relies upon the attached Memorandum of Law.

Dated: September 16, 2004

Respectfully submitted,  
For the Plaintiff,

/S/ Jonathan M. Conti  
Catherine M. Campbell  
BBO# 549397  
Jonathan M. Conti  
BBO# 657163  
Feinberg, Campbell & Zack, PC  
177 Milk Street  
Boston, MA 02109  
(617) 338-1976

**Certificate Of Service**

I, Jonathan M. Conti, hereby certify that I caused a copy of the foregoing to be mailed this date by certified mail, return receipt requested, to Daniel J. Blake, Esq., and Heather C. Krauss, Esq., Epstein Becker & Green, P.C., 111 Huntington Avenue, 26<sup>th</sup> Floor, Boston, MA 02199, and Bowdoin Construction Corporation, 220-1 Reservoir Street, Needham Heights, MA 02494.

Dated: September 16, 2004

/S/ Jonathan M. Conti  
Jonathan M. Conti

**Local Rule 15.1 Certification**

I served, in the manner set forth in Local Rule 15.1 and contemplated by Fed.R.Civ.P. 5(b), the Motion to Amend, Second Amended Complaint, and Memorandum in Support of Motion for Leave to File a Second Amended Complaint, on new party Bowdoin Construction Corporation, 220-1 Reservoir Street, Needham Heights, MA 02494, more than (10) days in advance of filing the Motion, together with a separate document stating the date on which the Motion would be filed.

Dated: September 16, 2004

/S/ Jonathan M. Conti  
Jonathan M. Conti